

ORIGINAL

Approved: _____

~~MAG 1428~~
DANIEL H. WOLF
Assistant United States Attorney

Before: HONORABLE KEVIN NATHANIEL FOX
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : SEALED COMPLAINT
:
-v.- : Violations of 18 U.S.C.
: §§ 1349, 1028A, and 2
SADI FOFANA, and :
MALICK KEITA, : COUNTY OF OFFENSE:
: NEW YORK
Defendants. :
X

SOUTHERN DISTRICT OF NEW YORK, ss.:

RYAN ORR, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE
(Conspiracy to Commit Bank Fraud)

1. From at least in or about September 2017 up to and including at least in or about February 2018, in the Southern District of New York and elsewhere, SADI FOFANA and MALICK KEITA, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that SADI FOFANA and MALICK KEITA, the defendants, and others known and unknown, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to

wit, FOFANA and KEITA applied for, and obtained, bank accounts and credit cards issued by a national financial institution ("Bank-1") in the names, and using the personal identifying information, of other individuals without those individuals' permission, and then used those bank accounts and credit cards to obtain money and credit from Bank-1.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Aggravated Identity Theft)

3. From at least in or about September 2017 up to and including at least in or about February 2018, in the Southern District of New York and elsewhere, SADI FOFANA and MALICK KEITA, the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, FOFANA and KEITA, used the identifying information of other people during and in relation to the conspiracy to commit bank fraud charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b) and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

4. I am a Postal Inspector with USPIS, and I am one of the agents responsible for this investigation. I have worked for USPIS for over one year and, prior to that time, I was a police officer with the Memphis Police Department for six-and-a-half years. During this time, I have conducted numerous investigations into various financial frauds, including bank fraud, and am familiar with the way in which such crimes are committed.

5. I have been involved in the investigation of this matter, and I base this affidavit on that experience, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports, records, and recordings. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where I relate the contents of documents and the actions, statements, and conversations of others, they are

reported in substance and in part, except where otherwise indicated.

Overview of the Scheme to Defraud

6. Based on my review of financial records concerning SADI FOFANA and MALICK KEITA, the defendants, my conversations with an inspector from Bank-1, my review of bank records and images captured by security cameras provided by Bank-1, my review of photographs of FOFANA and KEITA maintained in a government database, my review of United States Postal and law enforcement records, my review of documents and records obtained via judicially authorized search warrants and grand jury subpoenas, and my training and experience, I have learned the following:

a. Between in or about September 2017 and in or about February 2018, FOFANA and KEITA opened bank accounts and credit cards (the "Subject Accounts") from Bank-1 by providing to Bank-1 materially false information about the true identity of the accountholders, namely by applying for the Subject Accounts in the names, and using the personally identifiable information ("PII"), of approximately 14 different real persons (the "Identity Victims") without any authorization from the Identity Victims to do so.

b. Each of the Subject Accounts was initiated with a \$25.00 deposit and opened, at the request of FOFANA and KEITA, with "Overdraft Protection," that is, a line of credit that Bank-1 offers to its customers to cover overdrafts against a checking account. At no point was any deposit made into the Subject Accounts other than the initial \$25.00 deposit necessary to open them. In addition, for certain of the Subject Accounts, FOFANA and KEITA applied for, and obtained, credit cards in the names of the Identity Victims from Bank-1 by using the PII of the Identity Victims.

c. Between in or about October 2017 and in or about February 2018, FOFANA and KEITA, and others known and unknown, used the Subject Accounts to purchase and cash money orders, withdraw money from automatic teller machines ("ATMs"), and to purchase retail goods, thereby triggering Bank-1's overdraft protection when such transactions were conducted using a checking account issued by Bank-1 and incurring debt to Bank-1 that was never repaid when such transactions were conducted using a credit card obtained through the Subject Accounts. Such use of the Subject Accounts caused Bank-1 to suffer an actual

loss in excess of \$95,000.

d. As part of the scheme to defraud, the defendants, and others known and unknown, engaged in extensive efforts to perpetuate and conceal the fraudulent scheme. These efforts included, but were not limited to the use of false government identification cards in the names of the Identity Victims and, as discussed above, using the PII of the Identity Victims without the permission of the Identity Victims.

7. Based on my training, experience, and review of open source material, I have learned that deposits held by Bank-1 were insured by the Federal Deposit Insurance Corporation when SADI FOFANA and MALICK KEITA, the defendants, opened and used the Subject Accounts.

My Identification of FOFANA and KEITA

8. Based on my review of law enforcement records concerning SADI FOFANA, the defendant, my conversations with other law enforcement officers, my conversations with an inspector from Bank-1, my review of bank records and images captured by security cameras provided by Bank-1, and my training and experience, I have learned the following:

a. On or about February 16, 2018, FOFANA attempted to open a bank account using a false identification at a branch ("Bank Branch-1") of Bank-1 in Manchester, New Hampshire.

b. On or about February 16, 2018, in connection with his activities at Bank Branch-1 and after presenting a false identification to employees of Bank Branch-1, FOFANA identified himself to local law enforcement officers as "Sadi Fofana" and not as the name in which he attempted to open a bank account with Bank-1.

c. On or about February 16, 2018, Manchester, New Hampshire local law enforcement officers took FOFANA's photograph ("Fofana Photograph-1").

d. On or about February 16, 2018, Manchester, New Hampshire local law enforcement officers seized a mobile telephone from FOFANA ("Fofana Phone-1").

9. Based on my review of Fofana Phone-1 pursuant to a judicially authorized search warrant, my review of photographs maintained in a government database of SADI FOFANA and MALICK

KEITA, the defendants, my review of a social media website featuring photographs and information about KEITA, and my training and experience, including but not limited to training and experience in facial recognition techniques, I have learned the following:

a. From in or about September 2017 through on or about February 16, 2018, FOFANA communicated frequently with a contact saved in Fofana Phone-1 under the name "Malick Keita," via text message, including about the use of PII belonging to persons other than the defendants, as well as about the opening of bank accounts.

b. The contact saved in Fofana Phone-1 under the name "Malick Keita" was also identified in Fofana Phone-1 by a username associated with a social media account ("Social Media Account-1") that depicts several photographs of an individual whose appearance matches that of a photograph of KEITA maintained in a government database ("Keita Photograph-1").

10. Accordingly, I believe the "Malick Keita" identified in Fofana Phone-1 is the same person as MALICK KEITA, the defendant.

The Opening of the Subject Accounts Using the PII of Others

11. Based on my conversations with an inspector from Bank-1, my review of bank records and images captured by security cameras provided by Bank-1, my review of Fofana Photograph-1 and Keita Photograph-1, my review of Government records maintained by the Social Security Administration, and my training and experience, including but not limited to training and experience in facial recognition techniques, I have learned the following:

a. The applications submitted in support of opening the Subject Accounts contained PII and relied upon the presentment of State identification cards bearing names, and the presentment of Social Security Numbers, of approximately 14 different real persons (identified above as the "Identity Victims"), none of which were the defendants.

b. As described below, either FOFANA or KEITA appear to have opened at least approximately 14 Subject Accounts:

i. An individual matching the appearance of Fofana Photograph-1, which I believe depicts FOFANA,

has appeared in-person at branches of Bank-1 on certain occasions to open and/or attempt to open approximately eight bank and/or credit card accounts with Bank-1 under the names and Social Security numbers of approximately eight of the Identity Victims; and

- ii. An individual matching the appearance of Keita Photograph-1, which I believe depicts KEITA, has appeared in-person at branches of Bank-1 on certain occasions to open and/or attempt to open six bank and/or credit card accounts with Bank-1 under the names and Social Security numbers of approximately six of the Identity Victims.

Use of the Subject Accounts by FOFANA and KEITA

12. Based on my search of Fofana Phone-1, I have learned that in or around December 2017 and in or about January 2018, Fofana Phone-1 was at the time assigned a particular phone number ("Fofana Phone Number-1") and that MALICK KEITA, the defendant, used a phone ("Keita Phone-1") that was assigned a different particular phone number ("Keita Phone Number-1").

13. Based on my review of historical cellphone location information for Fofana Phone-1 and Keita Phone-1 pursuant to a judicially authorized search warrant, my conversation with an inspector from Bank-1, my review of bank records provided by Bank-1, my review of USPIS data related to the purchase of money orders by users of the Subject Accounts, and my training and experience, I have learned the following:

a. On or about December 29, 2017, Keita Phone-1 accessed a cellphone tower within 0.2 miles of a Postal facility in Manhattan, New York ("Postal Facility-1") at approximately 3:36 p.m. On or about the same day, between approximately 3:35 p.m. and 4:09 p.m., five money orders purchased using the Subject Accounts were cashed at Postal Facility-1.

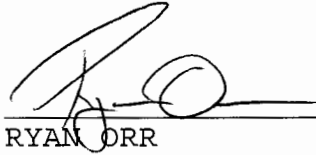
b. On or about December 30, 2017, Fofana Phone-1 accessed a cellphone tower within 0.2 miles of Postal Facility-1 at approximately 1:06 p.m. On or about the same day, between approximately 1:22 p.m. and approximately 1:34 p.m., two money orders purchased using the Subject Accounts were cashed at Postal Facility-1.

c. Between on or about December 15, 2017, and on or about January 29, 2018, SADI FOFANA and MALICK KEITA, the defendants, resided at addresses that were, respectively, at least approximately 1.5 miles away from Postal Facility-1 such that it is highly unlikely their respective cellphones would access a cellphone tower within 0.2 miles of Postal Facility-1 based solely on the presence of Fofana Phone-1 and Keita Phone-1 at the respective residences of FOFANA and KEITA.

14. Based on the facts set forth in the preceding paragraph (§ 13), and my training and experience, I believe SADI FOFANA and MALICK KEITA, the defendants, cashed certain money orders purchased through use of the Subject Accounts at Postal Facility-1, located in Manhattan.

[Intentionally left blank]

WHEREFORE, deponent respectfully requests that warrants be issued for the arrests of SADI FOFANA and MALICK KEITA, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.



RYAN ORR

Postal Inspector

Postal Inspection Service

Sworn to before me this
11 day of February, 2019



HONORABLE KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK